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License to Carry Firearms

February 13, 2006

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The purpose of this policy is to clarify and limit the scope of privileges granted to applicants for a license to carry (LTC) firearms. The Massachusetts General Laws (MGL) that govern the issuance of a LTC firearms grants the local police chief the discretionary authority in two areas: the first, the determination of a "suitable person," and second, limitations as to the use or purpose of the license. It is my intent to narrowly define the use or purpose on all LTC applications, and correspondingly, on all LTC permits, and to establish a high standard for the term "suitable person."

When determining whether the applicant for a LTC is a "suitable person," the Chief may consider evidence underlying a criminal charge even if the matter was dismissed, continued without a finding, the record sealed, or even if the governor pardoned the offender. Therefore, in addition to the automatic disqualification standards outlined in MGL Chapter 140, the following may also result in a disqualification:

1. Any arrest for a misdemeanor punishable by imprisonment for more than two years.
2. Any felony arrest and any arrest involving physical violence or threats to commit physical violence.
3. Any domestic violence incident that results in the issuance of a temporary or permanent restraining order against a defendant.
4. Any drug arrest including marijuana.
5. Employment status.
6. Any alcohol O.U.I. arrest or multiple minor alcohol related arrests or convictions.
7. Any past, present affiliation, association, or cohabitation with any person or group with a known criminal history.

With regard to proper use or purpose, MGL grants the authority to the Chief of Police to place restrictions relative to the possession, use, or carrying of a firearm. The intent of this policy is to narrowly define the requested use or purpose and issue a LTC based upon the applicant's request. The request for "all lawful purposes," shall not be granted.

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The LTC issued by the Chief of Police shall specifically state the use or purpose. The following guidelines shall be used in determination of use or purpose.

1. Personal protection – good reason to fear injury to his person or property. The good reason needs to be specifically articulated on the application for the LTC.
2. Additional Limitations for personal protection:
 - a. Work/Employment Only: concealed or non-concealed;
 - b. Employment Only: May only be used in public while acting within the scope of employment;
 - c. Only while transporting money to and from place of employment to depository;
 - d. Business Only: Not to be removed from business;
 - e. Day-time only, from one-half hour before sunrise to one-half hour after sunset;
 - f. No firearm removed from residence/Home Only.
3. Sporting – hunting and target club only;
4. Target – at shooting club or facility only;
5. Hunting – large capacity rifle and shotgun only.
6. All lawful purposes – restricted to active and retired law enforcement officers.

The parameters established in this policy for a "suitable person," and for the use or purpose shall apply to applicants for a new LTC and for a renewal of a LTC. On all renewals the use or purpose shall be stated in the terms discussed in this directive. The limitations shall apply when applicable. All current rules and regulations regarding the issuance of a LTC not in conflict with this policy shall remain in effect.

It should be noted that a violation of a restriction of a LTC, whether imposed by operation of statute or under the authority of the licensing authority, shall be cause for suspension or revocation of the license. A suspension is a temporary surrender of a LTC, which should be of a specified duration. While specific duration periods for such suspensions are favored, influences and factors external to and beyond the control of this department may result in suspensions of nonspecific durations. These external factors include, but are not limited to, court dispositions. At the conclusion of the suspension period or the time

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parameter upon which the suspension was predicated, an investigation shall be conducted upon which a decision will be made to determine whether to permanently revoke the LTC or reinstate that license in full or with increased restrictions. The LTC shall remain under suspension status during the pendency of that investigation. A revocation is a permanent loss of the LTC.

A holder of a Class B LTC is not entitled to carry or possess a loaded firearm in a concealed manner in a public place. The holder of a Class B LTC shall not possess a firearm in a vehicle unless it is unloaded and locked in the trunk or other secure container.

It is earnestly recognized that it is the responsibility of a Chief of Police and his or her local police department to properly administer the LTC's of and weapons possessed by residents of that community. Accordingly, it is patently unfair and inappropriate for a Chief of Police to issue LTC's to residents of other communities especially where that resident would not be able to obtain a LTC in their home community. Therefore, based upon the provisions of Massachusetts General Law 140 section 131D, the Worcester Police Department shall not issue a LTC to any new or renewal applicant who is not a permanent resident of the City of Worcester. Where there exists a question as to an applicant's true residency, the applicant, at the discretion of the Licensing Division of the Worcester Police Department, may be obliged to submit documentation to support this residency claim. Failure to submit this documentation, upon request, will be basis for denial of an initial or renewal LTC.

The only exception is for sworn police officers employed by the Worcester Police Department. It shall also be the policy of the department to issue a LTC to all police officers employed by the City of Worcester.

PER:

Gary J. Gemme
Chief of Police

GJG/km